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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,360	08/29/2001	Christopher Peter Wieck	50R4605	8902
37123	7590	09/15/2005	EXAMINER	
FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE SUITE 1600 CHICAGO, IL 60603			FILE, ERIN M	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/942,360

Applicant(s)

WIECK, CHRISTOPHER PETER

Examiner

Erin M. File

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-16, 18-20, 22, 23 and 25 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/25/2005</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Remarks, filed May 23, 2005 with respect to the rejection(s) of claim(s) under 35 USC § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Freed.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-5, 9-13, 16, 18-20, 22, 23, and 25 are rejected under 35

U.S.C. 102(b) as being anticipated by Freed.

**Claims 1, 3, 22, 25**, Freed discloses methods, systems and computer program products providing control over the operation of a receiver of a wireless device so as to reduce the power consumption of the receiver by setting the third order

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intercept point of a Low Noise Amplifier based upon at least one of a strength of a signal received by the wireless device or a transmission power of a transmitter of the wireless device. Furthermore, the gain of the Low Noise Amplifier may also be set based upon received signal strength or transmitter power (abstract). The signal strength is also used to determine whether the amplifier is bypassed (fig. 3, 78, 82).

**Claim 4**, inherits the limitations of Claim 1, Freed discloses powering down said amplifier if the amplifier is powered up and the received signal strength is greater than said threshold. (col. 1, lines 39-45).

**Claim 5**, inherit the limitations of Claim 1. Freed further discloses a Low Noise Amplifier (fig. 2, 30) having an input coupled to a signal source and a low noise amplifier output, a filter (34) having an input coupled to the low noise amplifier output and a filter output, an amplifier (38) having an amplifier input coupled to the filter output and an amplifier output, and a bypass circuit comprising a bypass switch (42) coupled between the input of the filter and the amplifier output.

**Claim 9, 10, 11, 23**, Freed further discloses his method embodied in a set of computer instructions stored on a computer readable media; said set of computer instructions, when loaded into a computer, cause the computer to perform the steps of said method (col. 6, lines 7-23).

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**Claim 12, 13, 16**, Freed discloses a low noise amplifier (fig. 2, 30), low noise amplifier input and a low noise amplifier output, low noise amplifier input coupled to a signal source. A filter (34) having an input coupled to the low noise amplifier output and a filter output; an amplifier (38) having an amplifier input coupled to the filter output and an amplifier output; a bypass switch (42) coupled between the input of the filter and the amplifier output and configured to bypass the filter and amplifier; and a control device configured to activate and deactivate the first bypass circuit (fig. 3, 78, 82).

**Claim 18**, inherits the limitations of Claim 12, Freed further discloses a second bypass circuit (fig. 3, 32) coupled between the low noise amplifier input and output; wherein said control circuit is further configured to activate and deactivate the second bypass circuit (fig. 3, 78, 82).

**Claims 19, 20**, inherit the limitations of Claims 18, 19, respectively. Freed further discloses the first bypass circuit (fig. 3, 42) is activated if an strength of a received signal is greater than a first threshold (fig. 3, 66, 70, 72), and the second bypass circuit is activated if the received signal strength exceeds a second threshold (74, 78), wherein the second threshold (-84 dBm) is higher than the first threshold (-94 dBm).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freed.

**Claim 2**, inherits the limitations of Claim 2. Freed does not disclose expressly a predetermined threshold of -90.5 dBm. However, freed does disclose a threshold of -94 dBm. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to choose a threshold of 90.5 dBm. Applicant has not disclosed that the threshold value of -90.5 dBm provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the threshold value of -94 dBm. Therefore, it would have been obvious to one of ordinary skill in this art to modify Freed to obtain the invention as specified in Claim 2.

**Claims 14, 15**, both inherit the limitations of Claim 13, the applicant admits in paragraph 63 of the disclosure that any switching method common in the art

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could be used. A single pole single throw switch is a switch with a single contact, along with a transistor, these are two types of switching devices extremely common in the art and would be obvious to one of ordinary skill in the art at the time of invention to use either a single pole single throw switch or a transistor at the time of invention.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 3**, the recitation, beginning in line 2, "said predetermined threshold comprises a minimum signal strength capable of being processed by electronics coupled to an output of said front end less strength of amplification by an Low Noise Amplifier (LNA) of said front end" is unclear and is rendered vague and indefinite.

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***Allowable Subject Matter***


8. Claims 6-8, 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin M. File whose telephone number is (571)272-6040. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571)272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Erin M. File

EF

  
**STEPHEN CHIN**  
**SUPERVISORY PATENT EXAMINEE**  
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